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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,764	08/02/2005	Martin Vorbach	2885/93	7557
26646	7590	06/28/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER MCLEAN MAYO, KIMBERLY N	
			ART UNIT 2187	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/523,764

Applicant(s)

VORBACH ET AL.

Examiner

Kimberly N. McLean-Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The enclosed detailed action is in response to the Application submitted on August 2, 2005, Priority Papers submitted on February 2, 2005 and the Information Disclosure Statements submitted on February 2, 2005 and May 13, 2005.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed features in claim 8 do not yield a tangible result. The aforementioned claim calls for transferring data from a data cache into a reconfigurable array; and writing results produced from the data and in the reconfigurable array to a destination. However, the claims do not contain any substantial practical application for use of the result(s) written to a destination. The claim stores a result(s) produced from data and a reconfigurable array into a destination, which is not by itself sufficient for establishing a claim eligible for patent protection. State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368. The claimed invention as a whole must accomplish a practical application and it must produce a useful, concrete and tangible result. Id.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by DeHon et al. (USPN: 6,052,773).

Regarding claims 8-9 and 15, DeHon discloses a method of simultaneously operating a sequential processor and a reconfigurable array, comprising: transferring data from a data cache into a reconfigurable array; and writing results produced from the data and in the reconfigurable array to a destination (Figure 2; C 11, L 59-67; C 12, L 1-4; the reconfigurable array is programmed to perform certain application on behalf of the processor and the reconfigurable array has direct access to the data cache; it is evident that the reconfigurable array processes, as would a processor, the data received from the cache and writes the results someplace since this is reason for accessing the data).

Regarding claim 10, DeHon discloses the method according to claim 9, wherein data output from the reconfigurable array is, at least in part, fed into a data path of the sequential processor downstream of decoding circuitry of the sequential processor (Figure 2).

Regarding claim 11, DeHon discloses the method according to claim 9, wherein the arithmetic logic unit of the sequential processor is adapted to perform at least one operation on data output

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from the reconfigurable array C 11, L 11; DeHon discloses the reconfigurable array controlling the flow of instructions and data, hence, the reconfigurable array would provide the all necessary data sand instructions to the processor for processing).

Regarding claim 12, DeHon discloses the arithmetic logic unit includes circuitry for at least one of multiplication and division; and the at least one operation includes at least one of multiplication, division, and norming (all ALU comprises functionality for math operations, such as, adding, subtracting, division and multiplication).

Regarding claims 13-14, DeHon discloses the method according to claim 8, wherein data output from the reconfigurable array is selectably writable to a memory location other than any of the cache and a register of the sequential processor (C 11; the reconfigurable array has access to all of the memory and resources that the processor has access to and thus the array may select to store the data to a memory location other than any of the cache and a register of the sequential processor).

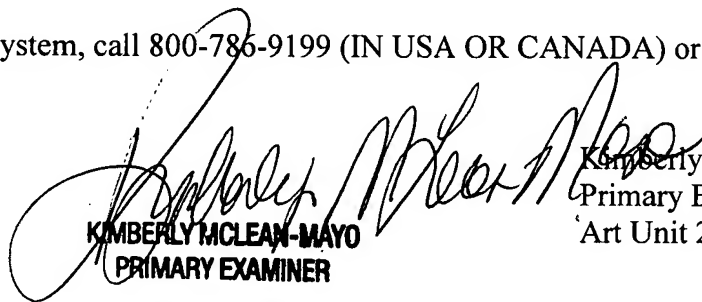
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 571-272-4194. The examiner can normally be reached on Monday-Friday (10-6:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**KIMBERLY MCLEAN-MAYO**  
**PRIMARY EXAMINER**

Kimberly N. McLean-Mayo  
Primary Examiner  
Art Unit 2187

KNM

June 23, 2007